

area known to have harvestable quantities of sea scallop (*Placopecten magellanicus*). The area is approximately 35 nautical miles (64 kilometers) south of currently harvested Surf Clam (*Spisula solidissima*) beds. Surveys of the proposed Norfolk Ocean Disposal Site have found no known harvestable quantities of fish or shellfish. Industrial fisheries in the area are spiny dogfish (*Squalus acanthias*), Northern searobin (*Prionotus carolinus*) and spotted hake (*Urophycis regius*). No harvesting of industrial fish species is known to occur in this area.

**9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment or Baseline Surveys (40 CFR 228.6(a)(9))**

Previous investigations and baseline surveys show the proposed water and sediment quality and other environmental characteristics of the Norfolk Ocean Disposal Site to be typical of the mid-Atlantic region. Specific information regarding the water quality and ecology of the site is discussed in the EIS. In summary, the proposed site does not possess any unique characteristics that would preclude its designation and use as a disposal site. The designation and use of the Norfolk Ocean Disposal Site would not result in unacceptable environmental impacts on organisms that live near or migrate through the site.

**10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10))**

Based on information available on the community structure of the proposed site, no change in benthic species composition is expected. The communities currently defining the site are characteristic of the mid-Atlantic region. No change in substrate is anticipated if the site is used for dredge material that meets ocean disposal criteria. Past disposal activities adjacent to the proposed site and at the Dam Neck Ocean Disposal Site have not resulted in the development or recruitment of any nuisance species.

**11. Existence at or in Close Proximity to the Site of any Significant Natural or Cultural Features of Historical Importance (40 CFR 228.6(a)(11))**

An archeological survey of the area by side-scan sonar was conducted during late 1981. No sites of archeological interest that would be endangered by the proposed disposal operations were found. The survey and subsequent report was coordinated with the State Historical Preservation Officer.

## E. Action

Based on the draft and Final EISs, EPA concludes that the site may appropriately be designated for use. The site is compatible with the general criteria and specific factors used for site evaluation.

The designation of the Norfolk Ocean Disposal Site as an EPA approved Ocean Dumping Site is being published as final rulemaking. Management of this site will be delegated to the Regional Administrator of EPA Region III.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, other than that already approved under section 103 of the Marine Protection, Research, and Sanctuaries Act, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

## F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This final rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

## List of Subjects in 40 CFR Part 228

Water pollution control.

Stanley L. Laskowski,

Acting Regional Administrator, EPA Region III.

In consideration of the forgoing, subchapter H of chapter I of title 40 is amended as set forth below:

## PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by adding paragraph (b)(94) to read as follows:

### § 228.12 Delegation of management authority for interim ocean dumping sites.

(b) \* \* \*

(94) Norfolk, Virginia, Dredged Material Disposal Site-Region III. Location (center point): Latitude—36°59'00" N. Longitude—75°39'00" W. Size: Circular with a radius of 7.4 kilometers (4 nautical miles). Depth: Ranges from 13.1–26 meters. Primary Use: Dredged material. Period of use: Continuing use. Restrictions: Site shall be limited to suitable dredged material which passed the criteria for ocean dumping. [FR Doc. 93–15691 Filed 7–1–93; 8:45 am]

BILLING CODE 6560–50–F

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AB23

#### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Three Endemic Puerto Rican Ferns

AGENCY Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Service determines *Thelypteris inabonensis* (no common name), *T. verecunda* (no common name), and *T. yaucoensis* (no common name) to be endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. These three species, all terrestrial ferns endemic to the island of Puerto Rico, are currently restricted to two or three localities each. The ferns are threatened by habitat destruction and modification, forest management practices, hurricane damage, restricted

distribution, and possible collection. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *Thelypteris inabonensis*, *T. yaucoensis*.

**EFFECTIVE DATE:** August 2, 1993.

**ADDRESSES.** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622, and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marelisa Rivera at the Caribbean Field Office address (809/851-7297) or Mr. Dave Flemming at the Atlanta Regional Office address (404/331-3583).

#### SUPPLEMENTARY INFORMATION:

##### Background

*Thelypteris inabonensis* was described by Dr. George R. Proctor in 1985 from specimens collected at the headwaters of the Río Inabón, Toro Negro Commonwealth Forest, in the municipality of Ponce (Proctor 1989). In 1988, it was found near the summit of Cerro Rosa in the municipality of Ciales. No other localities for this species are known (Proctor 1991). *T. inabonensis* is rare and localized in wet montane forest at elevations of 1120 to 1250 meters. In the Toro Negro Commonwealth Forest, this species grows along a stream bank in sierra palm (*Prestoea montana*) forest, on the east bank of the Río Inabón. Thirty-four plants were counted in this locality (Proctor 1991). At the Cerro Rosa locality, approximately 12 plants were found in deeply-shaded humus near the summit area. The habitat of the second locality is montane mossy forest with sierra palms.

*Thelypteris inabonensis* is a terrestrial fern with an erect and slender (ca 0.5 cm diameter) rhizome that is clothed at the apex with numerous dark lustrous brown, and densely setulose scales. The fronds are erect-arching, up to 60 cm long. The stipes are 5–10 cm long and clothed with grayish acicular hairs, and they have numerous spreading scales similar to those of the rhizome. This species differs from all other Puerto Rican thelypterid ferns due to the presence of scales and acicular hairs on the rachis. The blades are narrowly elliptic, and up to 55 cm long. The species has 25–30 pairs of sessile pinnae, rounded at the apex, and with up to 7 pairs of simple veins. The tissue has numerous short, erect, acicular hairs and lacks glands. The small sori, which have a densely long-ciliate indusium, are located dorsally on veins.

The size and the beauty of this fern makes the species very attractive to collectors. Although *T. inabonensis* occurs within the Toro Negro Commonwealth Forest (managed by the Commonwealth Department of Natural Resources) where collecting is not permitted, the areas are difficult to monitor. Also, the sheltered areas of the Río Inabón were lightly affected by Hurricane Hugo in 1989. The fact that only 46 individuals are known to exist in only two localities, makes the species vulnerable to the loss of even one individual.

*Thelypteris verecunda* was described by Dr. George R. Proctor in 1985 from specimens collected from Barrio Charcas in the municipality of Quebradillas (Proctor 1989). Two other localities are known for the species Barrio Bayaney, Hatillo, and Barrio Cidral in the municipality of San Sebastian. In Quebradillas and San Sebastian, only one individual has been reported from each locality. In Barrio Bayaney, about 20 plants are known (Proctor 1988). All these localities are privately owned lands.

*Thelypteris verecunda* is a terrestrial fern with creeping, 2–3 mm thick rhizomes. The apex bears brown scales, 1 mm long and 0.5 mm wide. The species has dimorphic fronds which are clothed throughout with star-shaped hairs, and numerous, much longer simple hairs. The stipes or stalks are 1–1.5 cm long and 0.4–0.5 mm thick. The sterile blades are oblongate, 2.5–4 cm long, 1.5–2 cm broad, truncate at the base, and rounded at the broadly lobed apex. The sterile blades have 2–4 pairs of short-stalked, round-oblong, 0.8–1 cm long and 0.4–0.6 cm wide, entire pinnae with simple veins. The fertile blades are linear to attenuate, 13–15 cm long, 1.2–1.8 cm broad, and truncate at the base. The rachis bears a minute proliferous bud below the apex. These blades have 15–20 pairs of mostly rounded-oblong to oval, 0.3–0.4 cm wide, short-stalked, entire pinnae. The small and erect sori, which have a minute indusium, are located in an inframedial position, and bear a tuft of long, white, and simple hair.

The fact that this fern is very rare and is known from only three sites makes the species extremely vulnerable to the loss of any individual. Clearing or development of these privately owned areas would result in elimination of the species. The species could also be an attractive item for collectors.

*Thelypteris yaucoensis* was described by Dr. George R. Proctor in 1984 from specimens collected at Barrio Rubias in the municipality of Yauco (Proctor 1989). This species is also known from

two other localities: Los Tres Picachos, Barrio Toro Negro in Ciales; and the summit area of Pico Rodadero, Barrio Sierra Alta in the municipality of Yauco. Approximately 65 individuals have been estimated in these 3 sites (Proctor 1988). This endemic fern is very rare, and is located in humus on steep, shaded rocky banks and ledges at high elevations (850–1200 meters) (Proctor 1989).

*Thelypteris yaucoensis* is a terrestrial fern with an erect, 0.5 mm thick rhizome, which is bearded at the apex with a tuft of brown, narrowly to broadly lance-attenuate, 5–8 mm long scales. The few fronds are 44–52 cm long and have lustrous light brown, glabrous, 18–22 cm long stipes. The blades are narrowly deltate to oblong, 25–31 cm long, 10–14 cm broad, acuminate at the apex, and truncate at the base. The rachis, costae and costules are more or less stellate-puberulous on both sides. This fern has 13–15 pairs of alternate, irregularly linear-oblong pinnae. The pinnae are mostly simple, with 5–6 pairs of veins and are all free, except for the lowest pairs which are more or less joined. This fern has inframedial to medial sori, which are ciliated with minute forked and 3-branched hairs and have small indusia often hidden by the sporangia.

*T. yaucoensis* is also located on privately owned land. Clearing or development of the areas would result in the elimination of the species. This species would be very attractive for collectors. The extreme rarity of this fern makes the species very vulnerable to the loss of any individual.

*Thelypteris inabonensis*, *T. verecunda*, and *T. yaucoensis* were recommended for Federal listing in an interagency workshop held to discuss candidate plants in September 1988. The species were subsequently included as category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in the notice of review for plant taxa published in the *Federal Register* of February 21, 1990 (55 FR 6184). *Thelypteris inabonensis* and *Thelypteris verecunda* are considered to be critical plants by the Natural Heritage Program of the Puerto Rico Department of Natural Resources. A proposed rule to list these three species as endangered was published on November 9, 1992 (57 FR 53309).

#### Summary of Comments and Recommendations

In the proposed rule and associated notifications, all interested parties were requested to submit factual reports

information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were requested to comment. A newspaper notice inviting general public comment was published in The San Juan Star on November 29, 1992, and in El Nuevo Dia on November 30, 1992. Three letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The Puerto Rico Department of Natural Resources, Natural Heritage Division (PRNHD), supported the listing of *Thelypteris inabonensis* and *T. yaucoensis* as endangered species. In the case of *T. verecunda*, the PRNHD pointed out that Proctor (1989) discussed the possibility that this species is a hybrid between *T. abidita* and *T. reptans*. The PRNHD recommended postponement of the designation of this species as endangered until this uncertainty was clarified. The author of this taxon, Dr. George Proctor, was contacted by the Service to clarify this uncertainty. Dr. Proctor stated that he had only suggested that *T. verecunda* might possibly be a hybrid because *T. abidita* and *T. reptans* were present in the same area. He does not have any evidence (morphological or cytological) to establish that the species in question is a hybrid species. He strongly recommended the designation of *T. verecunda* as endangered, due the fact that the only known population (20 individuals) is located on privately owned land (Proctor, pers. comm.)

The U.S. Forest Service provided comments, but did not indicate either support or objection to listing the species.

A private citizen, Dr. Wayne R. Owen, supported the listing of the three fern species based on the best interest of the species and the communities in which they live.

#### Summary of Factors Affecting the Species

After the thorough review and consideration of all information available, the Service has determined that *Thelypteris inabonensis*, *T. verecunda*, and *T. yaucoensis* should be classified as endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five

factors described in section 4(a)(1). These factors and their application to *Thelypteris inabonensis* Proctor, *Thelypteris verecunda* Proctor, and *Thelypteris yaucoensis* Proctor are as follows:

#### A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Destruction and modification of habitat may be one of the most significant factors affecting the numbers and distribution of these three endemic ferns. Two of the species (*T. verecunda*, and *T. yaucoensis*) are known only from privately owned lands. The clearing or development of these areas would result in the elimination of these species. Although *T. inabonensis* occurs within a Commonwealth forest (Toro Negro Commonwealth Forest), the small populations may be affected by forest management practices and collection. These three fern species are rare, extremely restricted in distribution, and very vulnerable to habitat destruction or modification. The extreme rarity of these species makes the loss of any individual even more critical.

#### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Taking for these purposes has not been a documented factor in the decline of these fern species. However, these three species may be very attractive to collectors.

#### C. Disease or Predation

Disease and predation have not been documented as factors in the decline of these species.

#### D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Thelypteris inabonensis*, *T. verecunda*, and *T. yaucoensis*, are not yet on the Commonwealth list. Federal listing will provide immediate protection and, if the species are ultimately placed on the Commonwealth list, enhance their protection and possibilities for funding needed research.

#### E. Other Natural or Manmade Factors Affecting Its Continued Existence

Probably the most important factor affecting *T. inabonensis*, *T. verecunda*, and *T. yaucoensis* in Puerto Rico is their limited distribution. In 1989, Hurricane Hugo lightly damaged the area where *Thelypteris inabonensis* is found.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Thelypteris inabonensis*, *T. verecunda*, and *T. yaucoensis* as endangered. The extreme rarity of these ferns makes the species very vulnerable to the loss of any plant. Only two populations of *T. inabonensis*, three populations of *T. verecunda*, and three populations of *T. yaucoensis* are known to occur. Collecting may severely impact these populations. Habitat modification can alter microclimatic conditions, and thus may dramatically affect these very rare and endemic fern species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the "Critical Habitat" section.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is determined to be endangered or threatened. Regulations found at 50 CFR part 424 state that designation of critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial to the species. The Service finds that designation of critical habitat is not prudent for both reasons.

The number of populations of *Thelypteris inabonensis*, *T. verecunda*, and *T. yaucoensis* are so small that vandalism and collection could seriously affect the survival of these species. The size and the beauty of these ferns makes the species very attractive to collectors. Publication of critical habitat descriptions and maps in the **Federal Register** would increase the likelihood of take from such activities.

Take is regulated by the Act with respect to endangered plants only in cases of (1) removal and reduction to possession of listed plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands, or (2) removal, cutting, digging up, damaging, or destroying in knowing violation of any State law or regulation, including State criminal trespass law. With the exception of only

one site occurring in a Commonwealth forest, all of the sites for these ferns are found on privately owned land, and currently receive no protection under Commonwealth law. While listing under the Act increases the public's awareness of a species' plight, it can also increase the desirability of a species to collectors. Discovery and elimination of any of these plants could compromise the survival of the species. These ferns also could be adversely affected by increased visits to, and associated trampling of, occupied sites as a result of critical habitat designation.

No Federal actions are foreseen that would affect these ferns. In the unlikely event that Federal involvement should occur in the areas where these plants occur, the Service believes that the species can be protected without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting these species' habitats. Protection of these species' habitats will also be addressed through the recovery process and through the section 7 consultation process, as appropriate.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part

402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for these three fern species, as discussed above. Federal involvement that would adversely affect the species is not anticipated.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course a commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for these three species will ever be sought or issued, since the species are not known to be in cultivation and are uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358-2104).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental

Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

#### References Cited

- Proctor, G.R. 1988. Status of Puerto Rican Endemic Ferns. List presented in the Interagency Workshop on candidate plant species. Caribbean Islands National Wildlife Refuge, Boquerón, Puerto Rico.
- Proctor, G.R. 1989. Ferns of Puerto Rico and the Virgin Islands. The New York Botanical Garden, Bronx, New York. 389 pp.
- Proctor, G.R. 1991. Puerto Rican Plant Species of Special Concern; Status and Recommendations. Publicación Científica Miscelánea No. 2, Departamento de Recursos Naturales, San Juan, Puerto Rico. 196 pp.

#### Author

The primary author of this proposed rule is Ms. Marelisa Rivera, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

#### Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order, under the family Thelpteridaceae, to the List of Endangered and Threatened Plants:

#### § 17.12 Endangered and threatened plants.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Thelypteridaceae—Marsh fern family:						
<i>Thelypteris inabonensis</i> .....	None .....	U.S.A. (PR) .....	E	506	NA	NA
<i>Thelypteris verecunda</i> .....	None .....	U.S.A. (PR) .....	E	506	NA	NA
<i>Thelypteris yaucoensis</i> .....	None .....	U.S.A. (PR) .....	E	506	NA	NA

Dated: June 8, 1993.

**Bruce Blanchard,**

Acting Director, Fish and Wildlife Service.

[FR Doc. 93-15502 Filed 7-1-93; 8:45 am]

BILLING CODE 4310-55-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 625

[Docket No. 920543-3056; I.D. #022593D]

RIN 0648-AE21

#### Summer Flounder Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Final rule.

**SUMMARY:** NOAA issues this final rule to implement a resubmitted portion of Amendment 2 to the Summer Flounder Fishery Management Plan (Amendment 2) and to announce to the effective date of a requirement for annual reports from summer flounder dealers. This final rule implements a mandatory reporting requirement for owners of charter, party, and commercial vessels holding Federal permits for the summer flounder fishery, effective January 1, 1994. The intent of this revision is to replace a measure proposed in the earlier submission of Amendment 2 that was disapproved by the Secretary of Commerce (Secretary).

**EFFECTIVE DATE:** January 1, 1994.

**ADDRESSES:** Copies of the revised portion of Amendment 2 and the environmental impact statement/regulatory impact review for the original Amendment 2 may be obtained from John C. Bryson, Director, Mid-Atlantic Fishery Management Council, room 2115 Federal Building, 300 S. New Street, Dover, DE 19901-6790.

Comments regarding the burden-hour estimates or any other aspect of the information requirements

contained in this final rule should be sent to the Northeast Regional Director, 1 Blackburn Dr., Gloucester, MA 01930, and the Office of Management and Budget (OMB), Attention: NOAA Desk Officer, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kathi L. Rodrigues, Resource Policy Analyst, (508) 281-9324.

**SUPPLEMENTARY INFORMATION:** Amendment 2 was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the Atlantic States Marine Fisheries Commission. The Council submitted Amendment 2 to the Secretary for review under section 304(b) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Magnuson Act requires the Secretary to approve, disapprove or partially disapprove fishery management plans or amendments based upon a determination of consistency with national standards and other applicable law. The Secretary announced disapproval of a provision of Amendment 2 that would have implemented a mandatory vessel logbook requirement by January 1, 1993. This disapproval was announced in the final rule to implement Amendment 2 (57 FR 57358, December 4, 1992).

The mandatory vessel logbook requirement was disapproved in Amendment 2 because NMFS determined that the summer flounder logbook requirement would be duplicative of existing reporting requirements. NMFS concluded that it should be consolidated into a coastwide mandatory vessel reporting system for fishing off the Mid-Atlantic and New England coasts, targeted for implementation in 1994. To be consistent with NMFS's plans to implement a coastwide vessel reporting system, the Council resubmitted the summer flounder logbook requirement to the Secretary for review under section 304(b)(3) with the provision that implementation is to occur by January 1, 1994.

The specific information elements the Council requested to be collected are:

(1) The vessel name; (2) the vessel permit number; (3) date sailed; (4) date landed; (5) port landed; (6) area fished; (7) number of tows; (8) duration of fishing time or days actually fished; (9) the total amount in pounds/numbers of each species harvested; (10) the total amount in pounds/numbers discarded by species; (11) crew size; (12) date sold; (13) buyer (dealer); (14) number of anglers per trip for party/charter vessels; (15) and other items required by the Regional Director, Northeast Region (Regional Director).

Because the mandatory logbook requirement will partially supplant some existing voluntary information collections, the Regional Director will also collect the following additional information on the logbook: (1) Gear fished; (2) size/quantity of gear; (3) mesh size; (4) depth range fished; (5) average tow/set time; (6) Loran coordinates and (7) dealer permit number. This information is necessary for management of the resource.

#### Changes From the Proposed Rule to the Final Rule

Section 625.6(a)(2) contains a requirement that permitted summer flounder dealers fill out the employment information of the Annual Processed Products report. The Secretary announced approval of this requirement in the final rule for Amendment 2 (57 FR 57358; December 4, 1992) pending OMB approval, which was subsequently received (OMB 0648-0018). This rule also adds a clarification that the Annual Processed Products report must be filled out for the calendar year and submitted to NMFS and postmarked by February 10 of the following year.

Changes have been made in the final rule to clarify the intent of the regulations. In § 625.6, paragraphs (b)(1) and (c)(1) are changed by removing the word "daily" from the phrase "daily fishing log." In paragraphs (b)(1)(xvii) and (c)(1)(xiii) of § 625.6, "crew size" is